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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

ENITAN AYODEJI LIJADU

CIVIL ACTION NO. 06-1208

VERSUS

JUDGE ROBERT G. JAMES

ALBERTO GONZALES, ET AL.

MAG. JUDGE KAREN L. HAYES

MEMORANDUM RULING

Before the Court is Respondents' Motion to Dismiss [Doc. No. 14] Petitioner Enitan Ayodeji Lijadu's ("Lijadu") Petition for Writ of Habeas Corpus.

For the following reasons, Respondents' Motion to Dismiss is GRANTED. Lijadu's Petition for Writ of Habeas Corpus is DISMISSED WITH PREJUDICE as MOOT.

**I. FACTS AND PROCEDURAL HISTORY**

Lijadu is a native and citizen of Nigeria. On October 15, 2004, an Immigration Judge issued an order to remove Lijadu from the United States.

On July 17, 2006, while in immigration custody, Lijadu filed the instant petition seeking release from immigration custody pending his removal to Nigeria. Lijadu claimed that his removal was not likely to occur in the reasonably foreseeable future. [Doc. No. 1].

On December 12, 2006, Lijadu was removed from the United States. [Doc. No. 14, Exh. A].

On December 18, 2006, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 12] recommending Lijadu's Petition be granted and that he be

released from custody pending removal.

On January 3, 2007, Respondents filed a Motion to Dismiss [Doc. No. 14]. Lijadu has not responded.

## II. LAW AND ANALYSIS

In his Petition for Writ of Habeas Corpus, Lijadu did not challenge the basis for his removal. Instead, Lijadu sought release from immigration custody pending his removal to Nigeria. Because Lijadu was removed from the United States on December 12, 2006, he has obtained the relief to which he is entitled. His removal moots consideration of the habeas petition because there is no case or controversy under Article III, Section 2, of the United States Constitution. *See Riley v. INS*, 310 F.3d 1253, 1257 (10th Cir. 2002) (release moots habeas petition challenging legality of extended detention); *Francois v. Ashcroft, et al.*, No. 04-1345, 2004 U.S. Dist. LEXIS 14390, at \*4 (E.D. La. July 26, 2004) (same).

## III. CONCLUSION

For the foregoing reasons, Respondents' Motion to Dismiss [Doc. No. 14] is GRANTED. Lijadu's Petition for Writ of Habeas Corpus [Doc. No. 1] is DISMISSED WITH PREJUDICE as MOOT.

MONROE, LOUISIANA, this 18 day of January, 2007.



ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE